

# ABSTRACT OF DISSERTATION IN ENGLISH

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*Topic of Dissertation: Limitations on Freedom of Contract in the Civil Law*

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The dissertation covers the limitations on freedom of contract in civil law and provides with the summary and following analysis of both general and specific limitations on freedom of contract in civil law. The general limitations consist of mandatory rules and stipulations prohibited by law. As part of the analysis of the general limitations both character and distinction between mandatory and non-mandatory rules are analyzed, as well as the criteria for the provisions to be designated as mandatory such as statutory prohibition, stipulations contrary to good morals, public order or the law concerning the status of persons, including the right to protection of personality rights. Similarly, the list of specific limitations on self-authorship describes legal relationships between landlord and tenant, employer and employee or consumer and entrepreneur, various cases in the community property of spouses or contracts with minors, lesion and usury, *culpa in contrahendo*, contracts of adhesion, standard commercial terms, stipulations excluding in advance the duty to provide compensation for harm, stipulations limiting in advance the scope of ones right to be compensated for defective performance, prohibited non-compete clause and stipulations on the due date in business transactions. The selected specific civil law limitations are studied not only within the context of the civil law as such, but criminal consequences of their breach are explored too. The dissertation is not limited solely to the Czech law, but contains analysis of the English law, French law, Québec law and Swiss law on top of that. On the basis of the aforesaid analysis the author presents her view on the status of the autonomy of the will and specifically freedom of contract and its limitations as well as on the aspects of the *real* extent of the freedom of contract. Further the issue of whether the status of the freedom of contract is in decline or not is examined. Moreover, the author compares the identified limits of the freedom to contract across the aforementioned jurisdictions.